

TOWN OF SUMMIT  
LOCAL LAW NO. 1-2002

Section I. Town of Summit Home Site Local Law

This Local Law shall be known and may be cited as the Town of Summit Home Site Local Law.

Section II. Purpose

It is the purpose of this Local Law to promote the health, safety, and general welfare of the inhabitants of the Town of Summit by the Proper regulation of all building construction and alteration of exiting structures in the Town of Summit. This Local Law provides for the administration and enforcement of the existing New York State Uniform Fire Prevention and Building Code and all subsequently adopted New York State Fire and Building Codes which supercede the existing code.

Section III. Definitions

- A. The term “principal structure” as used in this Local Law shall be defined as any structure used for human habitation and/or commercial enterprise.
- B. The term “non-principal structure” means any building other than a principal or temporary structure. Examples of a “non-principal structure” may include, but are not limited to, a free standing garage for vehicles, a storage shed, a garden house or a similar facility.
- C. The term “inspector” means the duly designated person responsible for enforcing the existing New York State Uniform Fire Prevention and Building Code, all subsequently adopted New York State Fire and Building Codes which supercede the existing code and this Local Law.
- D. The term “person” means an individual, association, limited liability partnership, partnership, corporation or any other legal entity.
- E. The term “alteration of use” means the change or conversion of a non-principal structure to a principal structure.
- F. The term “site” means a piece, parcel or plot of land separately described in a deed or on a survey map recorded in the Schoharie County Clerk’s Office.
- G. The term “qualifying addition” is any addition or extension to an existing principal structure or non-principal structure, except those additions or extensions which meet the criteria set forth in Section IV (C) below.

- H. The term “temporary structure” shall mean a camping trailer, other recreational vehicle or tent but excluding a mobile home/manufactured home.

#### Section IV. Scope

- A. This Local Law shall be enforced in conjunction with the Town of Summit Local Law #2-1985 for the administration and enforcement of the existing New York State Uniform Fire Prevention and Building Code and all subsequently adopted New York State Fire and Building Codes which supercede the existing code.
- B. No principal structure or qualifying addition to a principal structure hereafter erected or undergoing alteration of use shall be used or occupied until the Inspector shall have issued a Certificate of Occupancy or Certificate of Compliance.
- C. No building permit, unless otherwise required by New York State Law, shall be required for:
  - 1. Necessary repairs which do not materially change structural features;
  - 2. Alterations to existing buildings; provided they meet all of the following:
    - a. Cost less than \$10,000.00;
    - b. Do not materially change structural features;
    - c. Do not change the fire safety features such as smoke detectors, sprinklers, required fire separation and exits;
    - d. Do not involve the installation or extension of electrical systems and;
    - e. Do not include the installation of heating appliances or associated chimneys or flues.
  - 3. Residential storage sheds and other noncommercial structures two hundred (200) square feet or less which are not intended for use by one or more persons as quarters for living, sleeping, eating or cooking; and
  - 4. Nonresidential farm buildings including farms, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.

#### Section V. Application for Building Permits

- A. An application for a building permit shall be obtained from the Town Clerk and the permit shall be subject to a fee schedule determined by the Summit Town Board. The fee schedule may be obtained from the Town Clerk. The summit Town Board will review the fee schedule annually.
- B. Any construction requiring a building permit which is started prior to obtaining a building permit shall be subject to a stop work order.

## Section VI. Inspection

- A. The applicant will, after compliance with the provisions of this Local Law and any other town laws, complete the statement of compliance found in part of the Town Building Permit application and submit the same to the Inspector.
- B. The Inspector will, within ten (10) days after receipt of a statement of compliance, inspect the premises for compliance.
- C. If the structure is in compliance with the provisions of this Local Law, the existing New York State Uniform Fire Prevention and Building Code and all subsequently adopted New York State Fire and Building Codes which supercede the existing code, the Inspector will issue a Certificate of Compliance or Certificate of Occupancy for the Structure.

## Section VII. Building Site Requirements

- A. No principal structure and/or non-principal shall be constructed or places upon a site having an area less than 217, 800 square feet (five acres) and having less than 200 feet frontage on a public highway or street or a private road that meets the highway specifications as adopted by the Town of Summit. This restriction shall not apply to sites which were recorded in the Schoharie County Clerk's Office prior to October 10, 1988.
- B. No principal structure and/or non-principal structure or additions thereto shall be located closer than sixty (60) feet from the center of any public street or highway, or any private road that meets the highway specifications as adopted by the Town of Summit, not closet to any property boundary lines that twenty-five (25) feet measured horizontally.
- C. Only one (1) principal structure shall be constructed or placed on one (1) site, except during a period of construction. The Certificate or Occupancy shall not be issued until the site has only one principal structure.
- D. All lands used for principal structures shall have adequate, well-drained entrance in accordance with regulations of the applicable highway department.
- E. An on-site supply of potable drinking water, as specified by the New York State Department of Health, shall be provided for all principal structures.
- F. No building permit shall be issued for a principal structure without a sewage disposal system plan, which has been approved by the Schoharie County Department of Health, nor shall a Certificate of Occupancy or a Certificate of Compliance be issued until such system has been installed.
- G. All manufactured homes, whether new, relocated or used, shall be HUD approved with a seal attached to the unit or be New York State Certified.
- H. A principal structure shall be supported on a masonry support system or concrete slab. All manufactured homes shall be tied down in accordance with New York State laws.
- I. Within one (1) year from the time the principal structure is situated on its required support, any open space between the underside of the structure and the ground or concrete slab shall be completely enclosed by skirting, well constructed.

## Section VII. Applicability to Existing Structures

- A. A principal structure which is lawfully in existence prior to the enactment of this Local Law may continue to be used provided it meets the requirements of Section VII (E) and Section VII (F) of this Local Law.
- B. If an existing principal structure is destroyed by fire, explosion, Act of God, or any other means, a building permit shall be obtained for reconstruction. If reconstruction is to occur on the original foot print, a permit shall be granted and no variance is necessary regardless of site size or setback distances. If reconstruction is not to occur on the original foot print, it is subject to all of the building site requirements of this Local Law.
- C. Any qualifying addition to existing structures or alteration of use shall require a permit and shall be in accordance with this Local Law.

## Section IX. Change of Ownership of Uncompleted Structures

If an uncompleted structure changes ownership before final approval by the Inspector of the new owner must obtain a new building permit and complete the structure in compliance with this Local Law.

## Section X. Temporary Structures

Temporary structures may not be inhabited more than four (4) months in a year.

## Section XI. Enforcement

The provisions of this Local Law shall be administered and enforced by the Inspector appointed by the Summit Town Board. The Inspector shall have the power to make inspections of buildings and premises necessary to carry out his/her duties in the enforcement of this Local Law.

## Section XII. Violations

Any violator of this Local Law shall be notified by Certified Mail, return receipt, by the inspector and given thirty (30) days to correct the violation. If thirty (30) days after said notice, the violator is still in violation, the violator shall be issued an appearance ticket by the inspector for the Town Justice Court along with a stop work order.

## Section XIII. Penalties

Any violation of this Local Law is hereby declared to be an offence and shall render the owner or owners of the land, the tenant thereof, or any other responsible persons guilty of a violation liable to a fine or not more than two hundred fifty dollars (\$250.00) or to imprisonment for a period of not more than fifteen (15) days or both. Each week such violation is continued, shall constitute a separate offense. In addition to the above penalties, the Summit Town Board may also maintain an action or proceeding

in the name of the Town of Summit in a court of competent jurisdiction to compel compliance with or to restrain the violation of this Local Law.

#### Section XIV. Separate Validity

- A. If any section, clauses, sentence paragraph, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.
- B. All ordinances, local laws, or regulations heretofore adopted, which are in conflict with this Local Law are hereby repealed, including Local Law Number 1-88.

#### Section XV. Variances

Any variance to this Local law must be applied for in writing to the Summit Town Board accompanied by the appropriate fee.

- A. Application process.
  - 1. Obtain the application form from the Summit Town Clerk and return it to the Town Clerk with the application.
  - 2. The Town Clerk will submit the application to the Summit Town Board which will review the application at its next regularly scheduled meeting.
- B. Review Process
  - 1. At the first regularly scheduled Town Board Meeting, following submission of the variance application, the following process and timeline shall be followed
    - a. The Summit Town Board shall schedule a public hearing at its next regularly scheduled meeting the following month, which shall be duly advertised for one (1) week on the official Town paper, and all adjoining property owners shall be notified in writing by the Town Clerk of said application and public hearing, at least ten (10) days prior to the hearing.
    - b. At the option of the Summit Town Board, the application may be referred to the Town Planning Board for its review and comments prior to the scheduled public hearing, so long as such referral and review does not extend the public hearing beyond ninety (90) days following the initial review by the Town Board.
    - c. Prior to the Town Board acting upon the variance, it shall be submitted to the Schoharie County Planning Commission for its review and opinion

2. Decision Process

Unless delayed by the requirements of Section XV (B)(a)(b)&(c) (referral to Town Planning Board and Referral to Schoharie County Planning Commission), the Summit Town Board will notify the applicant and the inspector of its decision within thirty (30) days after the public hearing.

Section XVI. Filing

This Local Law shall become effective upon filing with the New York State Secretary of State's Office.

Enacted: September 19, 2002, by the Town Board of the Town of Summit.

(Seal)

Town Clerk

TOWN OF SUMMIT  
LOCAL LAW NO. \_\_\_\_ - 2006

AMENDING LOCAL LAW NO. 1 – 2002 –  
TOWN OF SUMMIT HOME SITE LOCAL LAW

BE IT ENACTED by the Town Board of the Town of Summit as follows:

Section 1. This local law shall be known as Amending Local Law No. 1- 2002 – Town of Summit Home Site Local Law.

Section 2. That Section III Definitions, paragraph A, defining “principal structure” is hereby amended as follows:

The term “principal structure” as used in this Local Law shall be defined as any structure used for living quarters for the use of one (1) household and/or for one (1) commercial enterprise. Commercial enterprise shall include, but not be limited to retail sales, office use, service providers (such as insurance agency, beauty parlor, garage), professional office, (such as medical and dental), restaurant, wholesale operations, warehousing and manufacturing, but shall exclude a multi-family structure containing separate living quarters for the use of two (2) or more households.

Section 3. This Local Law shall become effective upon filing with the New York State Secretary of State’s Office.

Enacted: \_\_\_\_\_, 2006, by the Town Board of the Town of Summit.

(SEAL)

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Town Clerk

TOWN OF SUMMIT  
LOCAL LAW NO. 2 - 2005

AMENDING LOCAL LAW NO. 1 – 2002 –  
TOWN OF SUMMIT HOME SITE LOCAL LAW

BE IT ENACTED by the Town Board of the Town of Summit as follows:

Section 1. This local law shall be known as Amending Local Law No. 1- 2002 – Town of Summit Home Site Local Law.

Section 2. That Section XV is hereby amended by adding the following:

C. Criteria for Granting Variances

1. In making its determination, the Summit Town Board shall take into consideration the benefit to the applicant as opposed to the detriment to the health, safety and welfare of the Town of Summit. In making said determination, the Summit Town Board shall consider the following:

- a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.
- b. Whether the benefit sought can be achieved by some other method that is feasible for the applicant to pursue.
- c. Whether the requested variance is substantial;
- d. Whether the variance will have an adverse effect or impact the physical or environmental conditions in the neighborhood; and
- e. Whether the alleged difficulty was self-created, which consideration shall be relevant, but shall not necessarily preclude the granting of variance.

2. The Summit Town Board, in granting a variance, shall grant the minimum variance that shall deem necessary and adequate, at the same time preserving and protecting the character of the neighborhood and the health, safety and welfare of the Town of Summit.

3. The Summit Town Board shall have the authority in granting a variance to impose conditions and restrictions consistent with the intent of this Local Law for the purpose of minimizing any adverse impacts that a variance may have on the neighborhood or on the Town of Summit.

Section 3. This Local Law shall become effective upon filing with the New York State Secretary of State's Office.

Enacted: July 19 , 2005, by the Town Board of the Town of Summit.

(SEAL)

Barbara Van Valkenburg  
Town Clerk